IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 23633 of 1996

Between:

1 R. Venkaiah, Retd. Attender, s/o. Venkaiah, Srisilam Devasthanam, Kurnool Srisailam,
2 P. Naganna, s/o. P. Bushanna, Srisailam Devasthanam, Kurnool Srisailam,
3 B. Obi Reddy, Ex.P.A to Executive Officer, s/o. B. Obi Reddy, Srisailam, Srisailam Devastanam,
Kurnool.

..... PETITIONERS

AND

1 The Audit Officer, Local Funds, Kurnool,
2 The Executive Officer-cum- Joint Commissioner, Srisailam Brahmaramba Mallikarjuna Swamy Devastanam,
Srisailam, Kurnool.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 1st respondent in not considering the request for commutation of service pension of the petitioners, while settling the pension of the petitioners as arbitrary and illegal and consequently direct the 1strespondent to permit commutation of maximum amount of service pension admissible under rules and pass such other orders.

Counsel for the Petitioner: MR.P.SAI NATH

Counsel for the Respondent No.1 : Government Pleader for Finance & Planning

Counsel for the Respondent No.2: Mr.V.Venugopal Rao

The Court made the following :

W.P.No.23633 of 1996

ORAL ORDER:

The petitioners retired as attenders and PA to the Executive Officer respectively of the Sri Sailam Devasthanam on 31-1-1996, 29-2-1996 and 30-6-1996 respectively. They applied for have been sanctioned and have been paid pensionary benefits. They also applied for commutation of pensionary benefits. This benefit was not granted. They made representations in this behalf. As there was no response, they filed the writ petition seeking a direction to the respondents to accept their application for commutation of service pension.

The respondents filed separate counter-affidavits. The common refrain in the counter-affidavits is that while the Government in G.O.Ms.No.680 Revenue Endt., Dated 15-07-1987 issued orders extending the A.P. Revised Pension Rules, 1980 to the employees of certain specified temples including the Srisailam Devasthanam, the Andhra Pradesh Civil Pension Commutation Rules, 1944 were not extended to the employees of the temples.

The benefit of commutation of pension is not available under the A.P Revised Pension Rules, 1980. The petitioners have not filed any pleading in demurral of the assertion in the counter affidavit that the commutation of pension as per the A.P. Civil Pension Commutation Rules, 1944 have not been extended to the employees of the temples. The petitioners have thus no legal right to claim the benefit of commutation of pension.

The writ petition is without any merits and is accordingly dismissed.

12-08-2004

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To

1 The Audit Officer, Local Funds, Kurnool,

2 The Executive Officer-cum- Joint Commissioner, Srisailam Brahmaramba Mallikarjuna Swamy Devastanam,
Srisailam, Kurnool.

3.Two CCs to GP for Finance & Planning, High Court buildings, (OUT)

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